

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 2:12-cr-024 (1)

THE SCOTTS MIRACLE-GRO COMPANY

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Rule 11, F.R.Cr.P. and has entered a plea of guilty to Counts one (1) through eleven (11) of the Information. After examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determine that the defendant is competent and capable of entering an informed plea, that the guilty plea is knowingly and voluntary made and that the offenses charged are supported by an independent basis in fact containing each of the essential elements of such offense.

The plea agreement contains an agreed sentence and it is up to the District Judge to determine if the sentence is appropriate. If the District Judge does so determine, I RECOMMEND the plea agreement and the plea of guilty should be accepted and the Defendant should be adjudged guilty and sentenced accordingly. Otherwise, the plea agreement should be rejected and the defendant should be allowed to withdraw the guilty plea.

Date: February 21, 2012

/s/ Terence P. Kemp

UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. Section 636(b)(1)(B).